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AMENDED IN ASSEMBLY APRIL 5, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 1433**

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**Introduced by Assembly Members Emmerson and Laird**  
**(Coauthors: Assembly Members Daucher, Jerome Horton,**  
**Nakanishi, Richman, Ridley-Thomas, Saldana, and Wolk)**  
(Coauthors: Senators Aanestad, Alquist, Ducheny, and Figueroa)

February 22, 2005

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An act to add Section 49452.7 to the Education Code, relating to pupil health.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1433, as amended, Emmerson. Pupil health: oral health assessment.

Existing law requires the governing board of any school district to make rules for the physical examination of pupils that will ensure proper care of the pupils and proper secrecy with regard to any defect noted. Existing law allows the parent or *legal* guardian having control or charge of any child enrolled in a public school to file annually a

statement in writing, signed by the parent or *legal* guardian, that he or she will not consent to an examination of his or her child. Existing law exempts a child from physical examinations once such a statement is filed with the principal.

This bill would require a pupil, while enrolled in kindergarten in a public school, or while enrolled in first grade in a public school if the pupil was not previously enrolled in kindergarten in a public school, to present proof, no later than May 31 of the school year, of having received an oral health assessment by a licensed dentist or other licensed or registered dental health professional operating within his or her scope of practice that was performed no earlier than 12 months prior to the date of the initial enrollment of the pupil. The bill would ~~authorize excuse a parent or legal guardian to be excused~~ from complying with the above requirement by indicating on a specified form that the oral health assessment could not be completed because of one or more specified reasons. The bill would require public schools to send a notification of the assessment requirement to the parent or *legal* guardian of the pupil subject to that requirement, including a standardized form that can be used for an assessment or on which the parent or *legal* guardian can indicate one of several specified reasons why an assessment cannot be completed. The bill would require all public schools, after receiving completed assessments, and by December 31 of each year, to send a report, as specified, to the local health officer of the ~~public health department of the county~~ *office of education* in which the school is located. ~~The bill would not preclude a school district or county office of education from developing a schoolsite-based oral health assessment to comply with these provisions.~~

By requiring public schools to perform additional duties, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

*The bill would require that funds from a specified item of the Budget Act of 2006 be used to offset any reimbursement to local educational*

*agencies provided pursuant to those provisions regarding costs mandated by the state.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) Oral health is integral to overall health.

4 (b) Tooth decay is the most common chronic childhood  
5 disease, experienced by more than two-thirds of California's  
6 children and five times more common than asthma.

7 (c) California's schoolchildren, ages 6 to 8, inclusive,  
8 experience oral disease at twice the rate of schoolchildren in  
9 other states.

10 (d) Oral diseases are infectious, are not self-limiting,  
11 contribute to many lost school hours, negatively impact learning,  
12 interfere with eating, contribute to poor self-esteem, and can  
13 cause considerable pain.

14 (e) Tooth decay is preventable.

15 SEC. 2. Section 49452.7 is added to the Education Code, to  
16 read:

17 49452.7. (a) A pupil, while enrolled in kindergarten in a  
18 public school, or while enrolled in first grade in a public school if  
19 the pupil was not previously enrolled in kindergarten in a public  
20 school, shall, no later than May 31 of the school year, present  
21 proof of having received an oral health assessment by a licensed  
22 dentist, or other licensed or registered dental health professional  
23 operating within his or her scope of practice, that was performed  
24 no earlier than 12 months prior to the date of the initial  
25 enrollment of the pupil.

26 (b) The parent or *legal* guardian of a pupil may be excused  
27 from complying with subdivision (a) by indicating on the form  
28 described in subdivision (d) that the oral health assessment could  
29 not be completed because of one or more of the reasons provided  
30 in subparagraphs (A) to (C), inclusive, of paragraph (2) of  
31 subdivision (d).

32 (c) A public school shall notify the parent or *legal* guardian of  
33 a pupil described in subdivision (a) concerning the assessment

1 requirement. The notification shall, at a minimum, consist of a  
2 letter that includes all of the following:

3 (1) An explanation of the administrative requirements of this  
4 section.

5 (2) Information on the importance of primary teeth.

6 (3) Information on the importance of oral health to overall  
7 health and to learning.

8 (4) A toll-free telephone number to request an application for  
9 Healthy Families, Medi-Cal, or other government subsidized  
10 health insurance programs.

11 (5) Contact information for county public health departments.

12 (6) A statement of privacy applicable under state and federal  
13 laws and regulations.

14 (d) In order to ensure uniform data collection, the ~~notification~~  
15 ~~specified in subdivision (c) shall include a standardized form that~~  
16 ~~includes all of the following:~~ *department, in consultation with*  
17 *interested persons, shall develop and make available on the*  
18 *Internet Web site of the department, a standardized notification*  
19 *form as specified in subdivision (c) that shall be used by each*  
20 *school district. The standardized form shall include all of the*  
21 *following:*

22 (1) A section that can be used by the licensed dentist or other  
23 licensed or registered dental health professional performing the  
24 assessment to record information that is consistent with the  
25 information collected on the oral health assessment form  
26 developed by the Association of State and Territorial Dental  
27 Directors.

28 (2) A section in which the parent or *legal* guardian of a pupil  
29 can indicate the reason why an assessment could not be  
30 completed by marking the box next to the appropriate reason.  
31 The reasons for not completing an assessment shall include all of  
32 the following:

33 (A) Completion of an assessment poses an undue financial  
34 burden on the parent or *legal* guardian.

35 (B) Lack of access by the parent or *legal* guardian to a  
36 licensed dentist or other licensed or registered dental health  
37 professional.

38 (C) The parent or *legal* guardian does not consent to an  
39 assessment.

(e) Upon receiving completed assessments, all school districts shall, by December 31 of each year, submit a report to the ~~public health department~~ *county office of education* of the county in which the school district is located. The report shall include all of the following:

(1) The total number of pupils in the district, by school, who are subject to the requirement to present proof of having received an oral health assessment pursuant to subdivision (a).

(2) The total number of pupils described in paragraph (1) who present proof of an assessment.

(3) The total number of pupils described in paragraph (1) who could not complete an assessment due to financial burden.

(4) The total number of pupils described in paragraph (1) who could not complete an assessment due to lack of access to a licensed dentist or other licensed or registered dental health professional.

(5) The total number of pupils described in paragraph (1) who could not complete an assessment because their parents or ~~guardians provided a written statement to the school that they did not want their child to receive an assessment.~~ *legal guardians did not consent to their child receiving the assessment.*

(6) *The total number of pupils described in paragraph (1) who are assessed and found to have untreated decay.*

(7) *The total number of pupils described in paragraph (1) who did not return either the assessment form or the waiver request to the school.*

(f) *Each county office of education shall maintain the data described in subdivision (e) in a manner that allows the county office to release it upon request.*

~~(f)~~

(g) This section does not prohibit any of the following:

(1) ~~County public health departments~~ *offices of education* from sharing aggregate data collected pursuant to this section with other governmental agencies, philanthropic organizations, or other nonprofit organizations for the purpose of data analysis.

(2) Use of assessment data that is compliant with the federal Health Insurance Portability and Accountability Act of 1996 (P.L. 104-191) for purposes of conducting research and analysis on the oral health status of public school pupils in California.

1     (h) *This section does not preclude a school district or county*  
2 *office of education from developing a schoolsite-based oral*  
3 *health assessment program to meet the requirements of this*  
4 *section.*

5     SEC. 3. *Funds allocated to local educational agencies*  
6 *pursuant to Item 6110-268-0001 of Section 2.00 of the Budget*  
7 *Act of 2006 (Chapters 47 and 48 of the Statutes of 2006) shall*  
8 *first be used to offset any reimbursement to local educational*  
9 *agencies provided pursuant to Part 7 (commencing with Section*  
10 *17500) of Division 4 of Title 2 of the Government Code for costs*  
11 *mandated by the state.*

12     ~~SEC. 3.~~

13     SEC. 4. If the Commission on State Mandates determines that  
14 this act contains costs mandated by the state, reimbursement to  
15 local agencies and school districts for those costs shall be made  
16 pursuant to Part 7 (commencing with Section 17500) of Division  
17 4 of Title 2 of the Government Code.